

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

ELTON E. BRYAN,

Petitioner,

v.

CIVIL ACTION NO. 2:10-cv-01196

UNITED STATES OF AMERICA,

Respondent.

JOINT MOTION FOR EXTENSION OF TIME

Comes now the United States of America by Larry R. Ellis, Assistant United States Attorney for the Southern District of West Virginia, and the defendant Elton E. Bryan, by his counsel Richard Neely, and jointly move the Court for an extension of time to respond to the Proposed Findings and Recommendations filed by the United States Magistrate Judge herein on March 15, 2012.

Those Findings and Recommendations cite Title 18, United States Code, Section 636(6)(1)(B) and Rule 72(6)(1) of the Federal Rules of Civil Procedure for the proposition that the parties have fourteen days from the date of the filing of the Recommendation to file objections.

Inasmuch as this case includes a voluminous record made at trial and on direct appeal and inasmuch as the Magistrate Judge's Findings and Recommendations consist of 162 pages and further inasmuch as the original briefing in the *coram nobis* action was completed in May of

2011, the parties hereby request and jointly move for an extension of time in which to file objections and ask this Court to order that objections may be filed herein on or before May 15, 2012.

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "Joint Motion for Extension of Time" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this the 20th day of March, 2012, to:

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